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C O N F I D E N T I A L ZAGREB 001722

SIPDIS

THE HAGUE FOR JOHNSON/KAYE

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TAGS: [PREL](#) [KAWC](#) [PGOV](#) [UK](#) [HR](#) [ICTY](#)

SUBJECT: CROATIA USING "UNCOMFORTABLE" BACK-CHANNEL TO
CONVINCE GOTOVINA TO SURRENDER

REF: ZAGREB 1579 AND PREVIOUS

Classified By: DCM Patrick S. Moon for reasons 1.5 (b) and (d)

Summary

11. (C) The Croatian government is using an unusual back-channel in an attempt to create conditions in which PIFWC Ante Gotovina would surrender for transfer to ICTY. The GoC's urgency and unorthodox approach is derived from the UK's refusal to ratify Croatia's Stabilization and Association Agreement (SAA) with the EU unless Croatia demonstrates its commitment to cooperate with ICTY. Unless the SAA is ratified soon, Croatia will miss a key deadline in its application for EU membership. ICTY is showing some flexibility in its approach to the Gotovina case, but the likelihood that this particular effort will bring about Gotovina's surrender is uncertain. End Summary.

12. (C) UK Ambassador in Croatia Nicholas Jarrold has kept us closely informed of an unusual GoC back-channel effort to broker the surrender of ICTY PIFWC Ante Gotovina. The key players in the effort are:

- Zeljko Bagic, one of President Mesic's top National Security Advisors (Mesic has been seeking a way for Gotovina to "tell his side of the story" before giving himself up - ref);

- Ivo Pukanic, editor of the sensationalist newsweekly "Nacional," which on June 10 ran Gotovina's first interview after two years in hiding (in the interview, Gotovina said he recognized the authority of the ICTY, widely interpreted as a signal he was ready to talk about surrendering);

- Thomas Osorio, ICTY representative in Zagreb; and

- UK Ambassador Nicholas Jarrold, a hesitant participant, but evidently selected by the GoC because the UK is the EU country Croatia needs most to convince that they are serious about transferring Gotovina to the Hague.

13. (C) On July 30, Pukanic approached Amb. Jarrold (at the urging of Bagic) and said that Gotovina offered to make himself available in Zagreb for an interview with ICTY representatives. Gotovina was prepared to agree to fly to The Hague and surrender five days later. Pukanic said that Gotovina is seeking a scenario which would retain his "honor as a Croatian general." Amb. Jarrold rejected this scheme and held firm: Gotovina must go to The Hague -- no detours. Nonetheless, Jarrold said that he saw no problem with Gotovina making himself "available" to the ICTY.

14. (C) Amb. Jarrold instructed his DCM to brief local ICTY representative Osorio, who apparently consulted with The Hague and came back with a proposal for Gotovina: Osorio and several of his investigators would meet Gotovina in Bosnia for a period of hours for an interview, giving Gotovina the opportunity to make the statement to investigators that he seeks. SFOR would provide "security" for the meeting, and Gotovina would surrender to SFOR afterwards. Having Gotovina surrender in Bosnia would also spare GOC officials all the angst related to having to send their "war hero" off to The Hague.

15. (C) Amb. Jarrold told us that he delivered this offer to Nacional editor Pukanic on July 31. Pukanic responded that such a meeting was not possible since Gotovina was "5,000 to 10,000" kilometers away. Pukanic suggested a meeting in Mexico City. Amb. Jarrold immediately rejected such an arrangement pointing out the obvious complications of involving Mexican and possibly American authorities. Jarrold also reported that UK contacts with del Ponte's staff in The Hague suggested that she might be backtracking from the offer Osorio made here. He pointed to the difficulties in dealing with individuals on her staff and del Ponte's poor relations with other parts of the Tribunal.

16. (C) Amb. Jarrold said that his involvement has run its course, and he is ending his role, with which he was clearly uncomfortable. Jarrold said EC officials told him that for

Croatia to stay on their desired timeline in the EU application process, they need all the ratifications of Croatia's SAA by late December or early January. The UK would require three months for the Parliament, government and Queen to act. The Dutch are the other holdout, but The Hague needs only a week or so to act since the Dutch parliament has already approved the SAA; the government is holding the ratification pending sufficient GOC action on ICTY issues.

17. (C) Unlike the previous interactions with Gotovina, these talks have not yet surfaced in the press. We will have to wait until early next week when the next issue of Nacional appears to see whether Pukanic will make public his latest intermediary services.

Comment

18. (C) The ball is again in Gotovina's court with the GOC watching anxiously and no doubt praying that Gotovina will take up the ICTY's offer. While Gotovina's surrender is a necessary step for British ratification of the SAA, it will not likely be sufficient. London will probably also want to see that the GOC acts appropriately when it receives new indictments, rumored for September. The GOC has said it will be responsive and act quickly, but we -- like the British -- will want to see that they do so and not merely accept their word.

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